



DM  
+

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence during pendency of filed application)</i>		Application Number	10/726,803
		Filing Date	December 2, 2003
		First Named Inventor	Thomas J. Maginot
		Group Art Unit Number	3738
		Examiner Name	Paul B. Prebilic
Total Number of Pages in This Submission	7*	Attorney Docket Number	22220-08626

<b>ENCLOSURES (check all that apply)</b>	
<input type="checkbox"/> Fee Transmittal Form (in duplicate) <input type="checkbox"/> Check Enclosed <input checked="" type="checkbox"/> Return Receipt Postcard <input type="checkbox"/> Response to Notice to File Missing Parts <input type="checkbox"/> Assignment & Recordation Cover Sheet <input type="checkbox"/> Declaration <input type="checkbox"/> Power of Attorney <input type="checkbox"/> Application Data Sheet <input checked="" type="checkbox"/> Supplemental Information Disclosure Statement & PTO/SB/08A <input checked="" type="checkbox"/> Copies of IDS Cited Non-Patent References <input type="checkbox"/> Request for Corrected Filing Receipt <input type="checkbox"/> Request for Correction of Recorded Assignment <input type="checkbox"/> Amendment/Response: [ ] Page(s) <input type="checkbox"/> After Final <input type="checkbox"/> Status Request <input type="checkbox"/> Revocation and Substitute Power of Attorney	<input type="checkbox"/> Issue Fee Transmittal <input type="checkbox"/> Letter to Chief Draftsperson <input type="checkbox"/> Formal Drawing(s): <input type="checkbox"/> [ ] Sheet(s) of Figure(s) [ ] <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____
<b>REMARKS:</b> *Page count does not include cited references.	

<b>SIGNATURE OF ATTORNEY OR AGENT</b>	
Signature:	<i>A.C. Smith</i>
Attorney/Reg. No.:	Albert C. Smith, Reg. No. 20,355
Dated: 8/3/06	

<b>CERTIFICATE OF MAILING</b>			
I hereby certify that this correspondence, including the enclosures identified above, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. If the Express Mail Mailing Number is filled in below, then this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 CFR 1.10.			
Signature:	<i>A.C. Smith</i>		
Typed or Printed Name:	Albert C. Smith	Dated:	8/3/06
Express Mail Mailing Number (optional):			



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Thomas J. Maginot  
APPLICATION NO.: 10/726,803  
FILING DATE: December 2, 2003  
TITLE: Bypass Grafting Method  
EXAMINER: Paul B. Prebilic  
GROUP ART UNIT: 3738  
ATTY. DKT. NO.: 22220-08626

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below:

Dated: 8/31/06 By: A.C. Smith  
Albert C. Smith, Reg. No. 20,355

MAIL STOP AMENDMENT  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**Under 37 CFR §§ 1.56 and 1.97-98**

SIR:

Pursuant to the provisions of 37 CFR §§ 1.56 and 1.97-98, enclosed herewith is modified form PTO/SB/08A listing references for consideration by the Examiner.

The filing of this Information Disclosure Statement shall not be construed as a representation regarding the completeness of the list of references, or that inclusion of a reference in this list is an admission that it is prior art or is pertinent to this application, or that a search has been made, or as an admission that the information listed is, or may be considered to be, material to patentability, or that no other material information exists, and shall not be construed as an admission against interest in any manner.

This Information Disclosure Statement is being filed:

- within three months of the filing date of the application, or date of entry into the national stage of an international application, or before the mailing date of a first office action on the merits, whichever event last occurred;
- before the mailing of a first official action after the filing of a request for continued examination (RCE) under 37 CFR § 1.114;

- after three months of the filing date of this national application or the date of entry of the national stage in an international application, or after the mailing date of the first official action on the merits, whichever event last occurred, but before the mailing date of the first to occur of either: (1) a final action under 37 CFR §1.113; or (2) an action that otherwise closes prosecution in the application, and:
  - attached hereto is the fee set forth under 37 CFR §1.17(p) for submission of this Information Disclosure Statement under 37 CFR. § 1.97(c); OR
  - Applicant certifies pursuant to 37 CFR § 1.97(e) that:
    - each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; OR
    - no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement;
- on or before the payment of the issue fee but after the mailing date of the first to occur of either: (1) a final action under 37 CFR § 1.113; (2) a notice of allowance under 37 CFR § 1.311; or (3) an action that otherwise closes prosecution in the application, and:
  - Applicant certifies pursuant to 37 CFR. § 1.97(e) that:
    - each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement;
    - no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this

certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement; AND

attached hereto is the fee set forth under 37 CFR §1.17(p) for submission of this Information Disclosure Statement under 37 CFR. § 1.97(d); OR

after the payment of the issue fee. Applicant requests that the information contained in this Information Disclosure Statement be placed in the file according to 37 CFR § 1.97(i), although the information may not be considered by the USPTO.

Enclosed is a copy of each listed reference that may be material to the examination of this application, and for which there may be a duty to disclose.

This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application No. \_\_\_\_\_, filed on \_\_\_\_\_, and the references cited therein are hereby referenced, but are not required to be provided in this application under 37 CFR § 1.98(d).

Copies of any foreign patent documents and non-patent literature cited herein are enclosed.

Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not received by any individual designated in 37 CFR § 1.56(c) more than thirty days prior to the filing of this Information Disclosure Statement. 37 CFR § 1.704(d).

Applicant submits that no fee is required for the consideration of this Information Disclosure Statement.

Consideration of the listed references and favorable action are solicited.

Respectfully submitted,  
THOMAS J. MAGINOT

Dated: 8/3/06

By: Albert C. Smith  
Albert C. Smith, Reg. No.: 20,355  
Fenwick & West LLP  
Silicon Valley Center  
801 California Street  
Mountain View, CA 94041  
Tel.: (650) 335-7296  
Fax.: (650) 938-5200

INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

Sheet

1

of

3

Complete if Known	
Application No.	10/726,803
Filing Date	December 2, 2003
First Named Inventor	Thomas J. Maginot
Art Unit	3738
Examiner Name	Paul B. Prebilic

Attorney Docket Number

22220-08626

## U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Document No.	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	A1	US-1,151,300	08-24-1915	Soresi
	A2	US-3,166,072	01-19-1965	Sullivan
	A3	US-3,626,947	12-14-1971	Sparks
	A4	US-3,818,511	06-25-974	Goldberg et al.
	A5	US-3,853,126	12-10-1974	Schulte
	A6	US-3,973,570	08-10-1976	Razgulov et al.
	A7	US-3,997,923	12-21-1976	Possis
	A8	US-4,051,840	10-04-1977	Kantrowitz et al.
	A9	US-4,183,102	01-15-1980	Guiset
	A10	US-4,233,981	11-18-1980	Schomacher
	A11	US-4,382,445	05-10-1983	Sommers
	A12	US-4,390,994	06-28-1983	Roberts et al.
	A13	US-4,447,227	05-08-1984	Kotsanis
	A14	US-4,503,568	03-12-1985	Madras
	A156	US-4,503,569	03-12-1985	Dotter
	A16	US-4,546,499	10-15-1985	Possis et al.
	A17	US-4,562,597	0107-1986	Possis et al.
	A18	US-4,655,771	04-07-1987	Wallsten
	A19	US-4,753,637	06-28-1988	Horneffer
	A20	US-4,795,458	01-03-1989	Regan
	A21	US-4,892,539	01-09-1990	Koch
	A22	US-4,929,246	05-29-1990	Sinofsky
	A23	US-4,937,039	06-26-1990	Balog et al.
	A24	US-4,938,740	07-03-1990	Melbin
	A25	US-4,954,126	09-04-1990	Wallsten
	A26	US-4,957,508	09-18-1990	Kameko et al.
	A27	US-5,011,469	04-30-1991	Buckberg et al.

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609.

Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

Sheet

2



Complete if Known	
Application No.	10/726,803
Filing Date	December 2, 2003
First Named Inventor	Thomas J. Maginot
Art Unit	3738
Examiner Name	Paul B. Prebilic
Attorney Docket Number	22220-08626

U.S. PATENT DOCUMENTS				
Examiner Initials*	Cite No. <sup>1</sup>	Document No.	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	A28	US-5,078,726	01-07-1992	Kreamer
	A29	US-5,078,735	01-07-1992	Mobin-Uddin
	A30	US-5,451,207	09-19-1995	Yock
	A31	US-5,489,295	02-06-1996	Piplani et al.
	A32	US-09/903,831	07-11-2001	Maginot

FOREIGN PATENT DOCUMENTS				
Examiner Initials*	Cite No. <sup>1</sup>	Country Code <sup>3</sup> – Number <sup>4</sup> Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
				T <sup>6</sup>

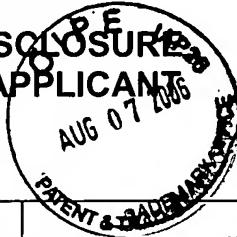
OTHER REFERENCES – NON-PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published		
	C1	BROTHERS, T.E. et al., <i>Long-term Results of Aortoiliac Reconstruction</i> ; <i>Journal of Vascular and Interventional Radiology</i> , November 1990; 1:49-55;		
	C2	DUBOIS, F. et al., <i>Coelioscopic Cholecystectomy</i> ; <i>Annals of Surgery</i> , January 1990; 211(1)60-62;		
	C3	JACOBS, M., et al., <i>Laparoscopic Choledocholithotomy</i> ; <i>Journal of Laparoendoscopic Surgery</i> (Mary Ann Liebert, Inc., Publishers), Volume 1, Number 2, 1991; pp. 79-82;		
	C4	PERISSAT, J. et al., <i>Gallstones: Laparoscopic Treatment, Intracorporeal Lithotripsy Followed by Cholecystostomy or Cholecystectomy – A Personal Technique</i> ; <i>Endoscopy</i> 21, 1989; 21:373-374;		
	C5	POPP, Lothar W., <i>Improvement in Endoscopic Hernioplasty: Transcutaneous Aquadissection of the Musculofascial Defect and Preperitoneal Endoscopic Patch Repair</i> ; <i>Journal of Laparoendoscopic Surgery</i> (Mary Ann Liebert, Inc., Publishers), Volume 1, Number 2, 1991, pp. 83-90;		
	C6	REDDICK, Eddie J. et al., <i>Laparoscopic Laser Cholecystectomy</i> ; <i>Laser Medicine and</i>		

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609.

Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

 Sheet **3** of **of** Attorney Docket Number **22220-08626**
**Complete if Known**

Application No.	10/726,803
Filing Date	December 2, 2003
First Named Inventor	Thomas J. Maginot
Art Unit	3738
Examiner Name	Paul B. Prebilic

<b>OTHER REFERENCES – NON-PATENT LITERATURE DOCUMENTS</b>			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>6</sup>
		<i>Surgery News and Advances, 1989; pp. 38-40;</i>	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609.

Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.